

Fort Belknap Indian Community



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SENATE BILL 180
CONFIDENTIAL NO. 1
DATE 1-17-07
BILL NO. SB 180

Fort Belknap Indian Community
(Tribal Govt.)
Fort Belknap Indian Community
(Elected to administer the affairs of the community and
to represent the Assiniboine and the Gros Ventre
Tribes of the Fort Belknap Indian Reservation)

January 17, 2007

Greg Lind, Chair
Senate-Natural Resource and Energy

Dear Chair Lind and Committee Members:

The Fort Belknap Indian Community Council would like to thank you for taking the time to consider an issue of profound importance to the White Clay (Gros Ventre) and Nakoda (Assiniboine) Tribes of Montana.

In July of 2005, the Fort Belknap Indian Community (FBIC) in conjunction with the Montana Environmental Information Center (MEIC) petitioned the Montana Board of Environmental Review (BER) to amend ARM 17.24.116 pertaining to application requirements for operating permits. The amendment that was proposed by MEIC and FBIC stated: ARM 17.24.116(6) the reclamation plan must demonstrate by clear and convincing evidence that, after the period of time allotted by 82-4-336(3), MCA, no treatment of surface or ground water for carcinogens or toxins will be required to meet water quality standards at the point of discharge. For the purposes of this section, completion of mining operations is defined in ARM 17.24.150(1) and (2).

With the current language in Senate Bill 180 (SB-180) increasing bond amounts for long term water treatment, the Fort Belknap Indian Community will have to go on record opposing this bill. The proposal that the Tribal Government supported before the Montana-BER stated that Montana-Department of Environmental Quality may not issue a new mining permit unless the mining company demonstrates that no treatment of water will be required after the mine completes its reclamation. In other words: *no more perpetual pollution*. Once a mine is reclaimed, it can no longer pollute Montana's water. That puts the burden where it belongs—on the mining industry.

The Fort Belknap Tribal Government is available to make more specific plans about how we can work together to ensure our water is safe. Once again, thank you for your time.

Sincerely,

Julia Doney, President
Fort Belknap Indian Community Council

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BEFORE THE BOARD OF ENVIRONMENTAL REVIEW
OF THE STATE OF MONTANA

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|---|--------------------|
| In the matter of the amendment of ARM) | AMENDED NOTICE OF |
| 17.24.116 pertaining to application) | PROPOSED AMENDMENT |
| requirements for operating permit) | |
|) | (HARD ROCK MINING) |

TO: All Concerned Persons

1. On September 8, 2005, the Board of Environmental Review published MAR Notice No. 17-230 regarding a notice of public hearing on the proposed amendment of the above-stated rule at page 1649, 2005 Montana Administrative Register, issue number 17. On December 22, 2005, the Board published an amended notice of public hearing on proposed amendment of the above-stated rule at page 2544, 2005 Montana Administrative Register, issue number 24, to change the time for the hearing at Fort Belknap on January 11, 2006, from 8:00 a.m. to 10:00 a.m. On January 6, 2006, the Department of Environmental Quality published an economic impact statement pursuant to 2-4-405, MCA, on the proposed rule amendments.

2. This amended notice of proposed amendment is being published to extend the public comment period to March 17, 2006, to provide the public an additional opportunity to comment on the amendments proposed in MAR Notice No. 17-230, to provide the public with an opportunity to comment on potential modifications to the original rule amendments, and to provide the public an opportunity to comment on the existing and future economic impact statements on the proposed rules.

3. The Board is considering two modifications to the proposed rule amendment published in MAR Notice No. 17-230. One modification would expressly exempt from proposed ARM 17.24.116(6) mines that have permits on the date that ARM 17.24.116(6) becomes effective. This exemption would include permit amendments and revisions issued after the effective date of proposed ARM 17.24.116(6). The second modification would change the requirement that a reclamation plan must "conclusively demonstrate" that no long-term water treatment will be necessary to a requirement that the reclamation plan "demonstrate by clear and convincing evidence" that no long-term water treatment will be necessary. With these modifications, the rule amendments would read as follows:

"(6) Except as provided in (7), the reclamation plan must demonstrate by clear and convincing evidence that, after the period of time allotted by 82-4-336(3), MCA, no treatment of surface or ground water for carcinogens or toxins will be required to meet water quality standards at the point of discharge. For the purposes of this section, completion of mining operations is defined in ARM 17.24.150(1) and (2).

(7) Section (6) does not apply to mines with valid permits in existence on [the effective date of (6)] or to existing or future amendments or revisions to those permits.

MAR Notice No. 17-244